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AUG 28 2003

Federal Communications Commission  
Office of Secretary

August 28, 2003

**ORIGINAL**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th St. S.W.  
Washington DC 20554

Re: In the matter of Business Options, Inc., Order to Show Cause, EB-Docket No. 03-85, File No. EB-02-TC-151, NAL/Acct. No. 200332170002, FRN: 0007179054

Dear Ms. Dortch:

Enclosed for filing in the above-referenced docket are an original and (6) six copies of Business Options, Inc.'s Motion to Establish a Revised Procedural Schedule and Hearing Dates. Should you have any questions regarding this filing please do not hesitate to contact us.

Very truly yours,



Dana Frix  
Kemal Hawa

Enclosures

cc: Hon. Richard L. Sippel (w/encls.)  
David H. Solomon, Esq., FCC/Enforcement Bureau (w/encls.)  
Maureen F. Del Duca, Esq., FCC/Enforcement Bureau (w/encls.)  
James W. Shook, Esq., FCC/Enforcement Bureau (w/encls.)  
Trent Harkrader, Esq., FCC/Enforcement Bureau (w/encls.)  
Peter G. Wolfe, Esq., FCC/Enforcement Bureau (w/encls.)

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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AUG 28 2003

Federal Communications Commission  
Office of Secretary

In the Matter of	)	EB Docket No. 03-85
	)	
Business Options, Inc.	)	File No. EB-02-TC-151
	)	NAL/Acct. No. 30033217002
Order to Show Cause and	)	FRN: 0007179054
Notice of Opportunity for Hearing	)	

To be acted upon by: Chief Administrative  
Law Judge Richard L. Sippel

**Motion to Establish a Revised  
Procedural Schedule and Hearing Dates**

Business Options, Inc. ("Business Options"), by its counsel, and pursuant to Section 1.205 of the Commission's rules, 47 C.F.R. § 1.205, hereby submits this Motion to Establish a Revised Procedural Schedule and Hearing Dates (the "Motion") for good cause shown, as set forth herein. Counsel for the Enforcement Bureau has read and supports this Motion, and concurs with its substance. In support of its Motion, Business Options submits the following:

1. Good Faith Settlement Negotiations. On August 7, 2003, Business Options sent the Enforcement Bureau a settlement proposal that sought to resolve all outstanding issues in this case. On August 14, 2003, the Enforcement Bureau responded to the settlement proposal, and indicated that while settlement of this case may be appropriate and in the public interest, additional information is required before any settlement could be reached.

To facilitate settlement negotiations, Business Options has agreed to prepare and file its consolidated Telecommunications Reporting Worksheets, FCC Form 499-A, with the National Exchange Carrier Association ("NECA") within the next two weeks. We expect that NECA's review, which will set forth Business Options' obligation to pay into the federal universal service and telecommunications relay service funds, will be completed approximately one month after filing. We are hopeful that the results of NECA's review will be sufficient to enable the parties to reach a mutually acceptable resolution of the outstanding issues in this case.

2. Potential Insolvency and Lack of Resources to Litigate. The costs associated with this litigation have pushed Business Options to the brink of insolvency, such that its litigation strategy is, to some extent, being dictated by its waning resources. The company's revenue and customer base have steadily declined over the last 12 - 18 months, and because of its financial weakness the company has had to reduce its workforce by nearly 40% in the last year.

The Commission has conducted an extensive investigation to date, which has involved Business Options responding to more than 750 admissions requests, Enforcement Bureau attorneys reviewing the company's relevant files, and depositions of Business Options' current and former employees over the course of a week. The costs associated with these matters has depleted the company's resources.

Business Options is hopeful that with an additional three month delay built into this process, it will be able to reach an acceptable settlement with the Enforcement Bureau that will obviate the need for trial. This is the company's best chance for survival, and thus the best chance for nearly 100 employees of a small Midwest long distance telephone company to retain their jobs. Even if the case ultimately goes to trial, an additional three month delay may enable

Business Options to divert resources from other aspects of its business, or to otherwise secure access to financing, that will enable it to defend itself adequately.

3. Additional Discovery.

On August 19, 2003, an order was entered in this case enlarging certain issues. Both Business Options and the Enforcement Bureau believe that it would be far more efficient to conduct one trial, to the extent the case goes to trial, rather than two. Business Options likely does not have the resources to conduct even one trial.


In any event, given the enlargement of issues, both parties to this case agree that additional discovery is required, and thus delay in the process is warranted. The most important aspects of this discovery are the result of the Form 499-A filings Business Options intends to make with NECA (and which will hopefully obviate the need for trial). Additional depositions and interrogatories may also be necessary.

4. Revised Dates.

For good cause shown, Business Options respectfully requests that an order be entered establishing a revised procedural schedule and hearing dates. A proposed revised procedural and hearing schedule follows:

November 21, 2003	Complete Discovery
December 19, 2003	Exchange Direct Cases
December 23, 2003	Notification of Witnesses Requested for Cross-Examination
December 30, 2003	Objections Witnesses Requested for Cross-Examination
January 7, 2003	Trial Briefs Exchanged
January 13, 2003	Hearing at 9:30 a.m. in Hearing Room TW-A363

Respectfully submitted,



Dana Frix  
Kemal Hawa

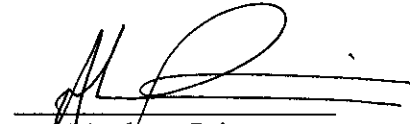
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Counsel for Business Options, Inc.

August 28, 2003

**CERTIFICATE OF SERVICE**

I, Andrew Price, hereby certify that true and correct copies of the foregoing Business Options, Inc.'s "Motion to Establish a Revised Procedural Schedule and Hearing Dates" were sent by via courier to the following individuals on this 28th day of August, 2003.

  
\_\_\_\_\_  
Andrew Price

Copies to:

Hon. Richard L. Sippel (also by e-mail)  
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